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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,752	11/17/2000	Sanjay S. Gadkari	INTL-0478-US (P10026)	6968

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Timothy N. Trop
TROP, PRUNER & HU, P.C.
STE 100
8554 KATY FWY
HOUSTON, TX 77024-1805

EXAMINER
ZHONG, CHAD

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/715,752	GADKARI, SANJAY S.
	Examiner	Art Unit	
	Chad Zhong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 June 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-3, 5-13, 15-22 and 24-28</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-3, 5-13, 15-22 and 24-28</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

U.S. Patent and Trademark Office

PTOL-326 (Rev. 11-03)   Office Action Summary   Part of Paper No. 2

OFFICE ACTION

1.   This action is responsive to communications: Amendment, filed on 06/06/2005.

2.   Claims 1-3, 5-13, 15-28 are presented for examination. In amendment, filed on 06/06/2005:

Claims 1-3, 5-13, 15-28 are previously presented.

Claim Rejections - 35 USC § 112, second paragraph

3.   Claims 21 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

      a.   The following terms lack antecedent basis:

            i.   the device - claim 21, line 6.

            ii.   said results – claim 7, line 1, claim 17, line 2

      b.   The claim language in the following claims is not clearly understood,
rendering the claims indefinite:

            i.   "assign distributed computing tasks to said clients and log each task and the device assigned to complete said task", it is not clear if the distributed tasks are being assigned to the consumer-use processor-based clients or to the processor-base device.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-3, 8-13, and 18-24, are rejected under 35 U.S.C. 103(a) as being unpatentable over

Cajolet, US 6,192,388, in view of Teegan et al. (hereinafter Teegan), US 2004/0225923.

6.   As per claim 1 and 11, Cajolet teaches a method comprising:

assigning distributed computing tasks to a network of processor-based devices (abstract, lines 1-4, and Col. 2, lines 45-47);

Cajolet does not explicitly teach logging the tasks. Although Cajolet discloses a processor-based device list assigned to tasks (Col. 10, lines 5-6).

In a similar system, Teegan teaches the concept of logging tasks and the devices assigned to each tasks (table 1, [0120-0121], wherein processes and machines associated with the processes are logged in the sample log located at each application manager). It would have been obvious to the person of ordinary skill in the art at the time of the invention to combine teachings of Cajolet and Teegan because the teaching of Teegan to log tasks along with their corresponding devices would enhance Cajolet's system by keeping track of a history of assignment of each of different tasks.

7.   As per claims 3 and 13, Cajolet teaches subdividing a distributed computing job into tasks and assigning each of said tasks to a different device (Col. 2, lines 45-47).

8.   As per claims 8 and 18, Cajolet teaches maintaining, from a server, the software on said devices (Col. 10, lines 14-20).

9.   As per claim 10 and 20, Cajolet teaches receiving a completion message from a device and automatically establishing an upload session to receive the task results (Col. 10, lines 34-37, wherein upon completion of the task, the resultant is uploaded back to the server).

10.   As per claim 21, Cajolet teaches a system comprising:

a processor-based device (Col. 1, lines 7-12); and

a storage coupled to said processor-based device storing instructions that, if executed, enable said

device to operate a managed network of consumer-use processor-based clients (Col. 3, lines 40-41;

teaches storage and execution to manage network devices), assign distributed computing tasks to said

processor-based clients (Col. 3, lines 36-44),

Cajolet does not explicitly teach log each task. Although Cajolet discloses a processor-based device

list assigned to tasks (Col. 10, lines 5-6).

In a similar system, Teegan teaches the concept of logging tasks and the devices assigned to each tasks

(table 1, [0120-0121], wherein processes and machines associated with each processes are logged in the

sample log located at each application manager). It would have been obvious to the person of ordinary

skill in the art at the time of the invention to combine teachings of Cajolet and Teegan because teaching

of Teegan to log tasks along with their corresponding devices would enhance Cajolet's system by keeping

track of a history of assignment of each of different tasks.

11.   As per claim 22, Cajolet teaches the system of claim 21 wherein said system is a server (Col. 6,

lines 46-52; and Col. 5, line 30).

12.   As per claim 23, Cajolet teaches the system of claim 22 wherein said server is a system

management server (problem dispatcher 88, Fig 4; Col. 6, lines 46-52).

13.   As per claims 2, 12 and 24, Cajolet and Teegan do not teach the method of including

establishing a persistent connection between at least one of said devices and a server. However, It would

have been obvious to one of ordinary skill in this art at the time of invention to have used a persistant

connection between the client and the server in order to improve the efficiency and utilization for

Cajolet and Teegan's system by establishing a connection on an as per needed basis, as well as pipelining

instructions during that connection.

14.   As per claims 9 and 19, Cajolet and Teegan do not teach the method of including receiving the

results of said task from a device and providing an acknowledgement to said device when the results are

received correctly. However, It would have been obvious to one of ordinary skill in this art at the time of

invention to have sent an acknowledgement from the server to the client in order to verify the message

sent was correct and without error, further it would improve the efficiency and fault tolerance for

Cajolet and Teegan's system by giving the sending device an acknowledgement indicating the correct

data have been received, without wasting additional bandwidth to resend data.

15.   Claims 5-7, 15-17, and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Cajolet, US 6,192,388, in view of Teegan et al. (hereinafter Teegan), US 2004/0225923 and further in

view of Yamaguchi, US 6,041,342.

16.   As per claims 5 and 15, Cajolet and Teegan do not explicitly teach the method of including

developing an estimate of the time to task completion.

In a similar system, Yamaguchi teaches the concept of developing an estimate of the time to task

completion (see for example, Col. 2, lines 4-8). It would have been obvious to the person of ordinary

skill in the art at the time of the invention to combine the teachings of Cajolet, Teegan and Yamaguchi

because estimation of time to task completion as taught by Yamaguchi would enhance the capabilities of

Cajolet and Teegan's system, by allowing the server to timely keep track all the tasks assigned to all

clients.

17.   As per claims 6 and 16, Cajolet and Teegan do not explicitly teach if no results are received

after the passage of said time estimate, querying said device.

However, Yamaguchi teaches the concept of querying the client device after the passage of time

expires to determine client's status at that point (Col. 2, lines 10-11). It would have been obvious to the

person of ordinary skill in the art at the time of the invention to combine the teachings of Cajolet, Teegan

and Yamaguchi because querying the client device after the time estimate as taught by Yamaguchi would

enhance the capabilities of Cajolet and Teegan's system by allowing the server to keep track of the

client's status periodically.

18.   As per claims 7 and 17, Cajolet and Teegan do not explicitly teach automatically requesting said

results after the passage of time estimate.

However, Yamaguchi teaches the concept of automatically querying the result of the client after

the estimation of time expires (Col. 2, lines 10-11). It would have been obvious to the person of ordinary

skill in the art at the time of the invention to combine the teachings of Cajolet, Teegan and Yamaguchi

because automatically querying the client device after the time estimate as taught by Yamaguchi would

enhance the capabilities of Cajolet and Teegan's system by allowing the server to keep track of the

client's status periodically.

19.   As per claim 27, claim 27 is rejected for the same reasons as rejection to claim 6 above

20.   As per claim 28, claim 28 is rejected for the same reasons as rejection to claim 7 above

21   Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cajolet, US

6,192,388, in view of Teegan et al. (hereinafter Teegan), US 2004/0225923, further in view of Krum, US

6,618,742.

22.   As per claim 25, Cajolet teaches the system of claim 21 wherein said storage stores instructions

that enable said processor-based device to divide a distributed computing job into a plurality of tasks

(Col. 2, lines 45-47), assign said tasks to specific processor-based clients (Col. 3, lines 24-27),

However, Cajolet and Teegan do not explicitly teach estimate the time to complete said job by said

clients.

However, Krum teaches the concept of developing an estimate of the time to task completion (Col. 3,

lines 10-22; Col. 4, lines 20-37). It would have been obvious to the person of ordinary skill in the art at the time of the invention to combine the teachings of Cajolet, Teegan and Krum because estimation of time to task completion as taught by Krum would enhance the capabilities of Cajolet and Teegan's system by allowing the server to keep track of all the tasks assigned to each of the clients.

23.   As per claim 26, Cajolet and Teegan do not teach the system of claim 21 further storing instructions to develop an estimate of the time to task completion.

However, Krum teaches the concept of developing an estimate of the time to task completion (Col. 3, lines 10-22; Col. 4, lines 20-37). It would have been obvious to the person of ordinary skill in the art at the time of the invention to combine the teachings of Cajolet, Teegan and Krum because estimation of time to task completion as taught by Krum would enhance the capabilities of Cajolet by allowing the server to keep track of all the tasks assigned to each of the clients.

Response to Arguments

24.   Applicant's remarks filed 06/06/2005 have been considered but are found moot in view of new grounds of rejection.

Conclusion

25.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (571)272-3946. The examiner can normally be reached on M-F 7:15 to 4:30.
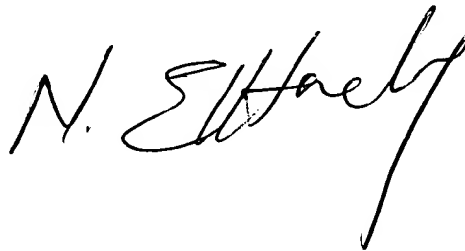
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

BURGESS, GLENTON B can be reached on (571)272-3949. The fax phone number for the organization

where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained

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direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

CZ
August 15, 2005